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A SUIT TO CHECK IMPOSTURE IN ART

The policy advocated in a recent "Salon of the Dilettanti" article in **BRUSH AND PENCIL**, of compelling every dealer known or believed to have sold spurious or worthless pictures to face the charge in court and either



STUDY OF HANDS

By Étienne Dinet

clear his name or suffer the consequences, has borne fruit in a suit recently filed in Missouri, the details of which will be of interest to the reader. E. T. Webb, a wealthy mine owner of Carthage and Webb City, Mo., has filed suit in the Circuit Court for \$5,000 damages against M. Alfred Newhouse of 5431 Cabanne Avenue, St. Louis, charging that 23 oil paintings and water-colors sold him by Newhouse were not what the latter represented them to be, and that Newhouse refused to buy them back. He alleges that Newhouse contracted to do this if Webb desired him to.

The petition states that Feb. 27, 1904, Webb and Newhouse entered into a contract whereby Webb was to pay Newhouse \$415 in part consideration of the delivery of four oil paintings, purporting to be the work of German and English masters. The paintings, as named in the petition, are: One original oil painting, "In the Royal Reserves, Lake Constance," represented to have been painted by William C. Eisen of Stuttgart; one original water-color painting, "The Mail Coach Route, Black Forest," by the same painter; one original water-color painting, "The Old Cottage or Homestead near Stuttgart," represented to have been painted by Eisen; one original water-color painting, "At Kenilworth," represented to have been painted by John Falkner of London.

Webb alleges in his petition that Newhouse agreed and contracted that at any time within seven months from the date of sale, he, Newhouse, would, at the request of Webb, sell the paintings for a total of \$1,100, with an allowance of sixty days for the sale. Webb also charges that Newhouse agreed to pay the cost of framing and other similar expenses before the sale for Webb was made.

He charges in his petition that Newhouse also agreed to sell for him 19 other paintings in oil and water-color bought of Newhouse by Webb before the purchase of the last four. Only two paintings, bought by Webb from Newhouse, were excepted, Webb states—one called "Deserted" and the other "Eat and Grow Fat." These 19, Webb alleges, Newhouse promised to sell for him at a profit of more than 50 per cent. The last 19 paintings were bought by Webb at a cost of over \$3,000, the petition states.

The suit is based on Webb's allegation that he notified Newhouse in due time that it was his desire to have Newhouse sell the paintings, and that the latter has failed to do so. Webb further alleges that most of the paintings were not what they were represented by Newhouse to be, and that they were copies instead of originals. Webb says in his petition that Newhouse knew the pictures were copies. He says they were "common-place" and not known to the world of art, and that the names were fictitious. Webb says he has been damaged to the extent of \$5,000 and asks judgment against Newhouse for that amount.

Former Judge Selden P. Spencer represents Webb in the suit. The petition was drawn up by Attorney H. W. Currey of Carthage, and was forwarded to Judge Spencer to be filed in St. Louis. At 5431 Cabanne Avenue, the address named in the petition, it was stated that Newhouse ceased to reside there some time ago, and is believed to have left the city. When seen by a correspondent in Webb City, Mo., Webb refused to speak in detail of his suit against Newhouse, further than to say: "I am not an art expert, and I took Newhouse's word that the works were those of noted painters. Since then I have had experts pass on the paintings, with the result that I have found them of little value. I am not trying to hurt Newhouse in a business way. I merely want to bring him to time and make him fulfill his agreement."

ART NEWS REPORT.